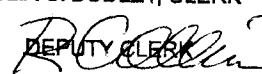


APR 05 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK

BY: 
DEPUTY CLERK

EDWIN SPOMER *et al.*,

Plaintiffs,

v.

MELANIE LYNN BARNES,

Defendant.

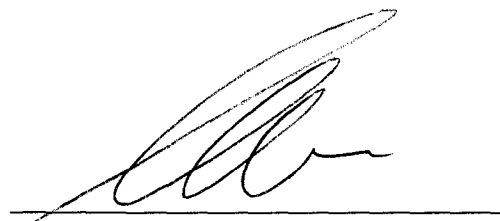
Civil Action No. 7:12cv00345

MEMORANDUM OPINION
& ORDER

By: Samuel G. Wilson
United States District Judge

This matter is before the court on defendant Melanie Lynn Barnes' motion to stay, abstain, or dismiss this action. Barnes failed to submit a written brief or legal argument as required by Local Rule 11(c)(1)¹ and the Amended Scheduling Order. Furthermore, the Amended Scheduling Order required that Barnes make a request for a hearing on the motion within forty-five days of filing, and she failed to do so.² Consequently, the court deems the motion (ECF No. 11) **DENIED** and directs the clerk to **STRIKE** the motion from the docket.

ENTER: April 5, 2013.



UNITED STATES DISTRICT JUDGE

¹ Local Rule 11(c)(1) provides, in pertinent part, that "[a]ll motions . . . must be accompanied by a written brief setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies."

² The Amended Scheduling Order provides, in pertinent part, that if within 45 days of filing any dispositive or non-dispositive pretrial motion, the moving party has not brought the motion on for hearing or advised the court that the motion is ripe for decision, the motion will be deemed denied without further notice or order of this court, and the court will not entertain a renewed motion on the same issue except for good cause.